

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IBRAHIM ALMALHI,

Petitioner,

v.

Case No. 05-73164

MICHAEL CHERTOFF, et al,

HONORABLE AVERN COHN

Respondents.

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**ORDER STAYING ALL PROCEEDINGS**

This is an immigration habeas case under 28 U.S.C. § 2241. Petitioner Ibrahim Almalhi (Petitioner), who is subject to a final order of removal, claims that his continued detention by Respondents, Michael Chertoff, Secretary of the Department of Homeland Security, Alberto Gonzales, Attorney General, Robin Baker, Immigration and Customs Enforcement Detention and Removal Operations Field Office Director, and John P. Torres, Acting Director, Immigration and Immigration and Customs Enforcement Detention and Removal Operations, violates his constitutional rights. Specifically, Petitioner says that his detention will be indefinite, and therefore in violation of due process, because he cannot obtain necessary travel documents. In other words, Petitioner says there is no likelihood that he will be removed in the foreseeable future.

Petitioner filed his application for a writ of habeas corpus on August 15, 2005.<sup>1</sup> The government filed a response on September 7, 2005. On October 14, 2005, the

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<sup>1</sup>Petitioner has also filed several other motions not at issue at this time.

government filed a motion to dismiss on the grounds that Petitioner was transferred to the custody of the Hamilton County Sheriff's Department in the State of Ohio on October 13, 2005 to face pending felony charges for fraud and sales tax violations and is therefore no longer in the custody of Immigration and Customs Enforcement (ICE). Petitioner is scheduled to be arraigned on these state charges on October 20 or 21, 2005. It is not clear whether Petitioner will be detained or allowed to post a bond in Ohio.

Under these circumstances, the Court will STAY all proceedings on this case until such time as Petitioner is returned to the custody of ICE. After Petitioner is returned to ICE custody, the Court will hold a status conference to chart the future course of the case.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: October 17, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 17, 2005, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager  
(313) 234-5160